



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,545	02/21/2001	Michael Orr	P-3059-US	5618
27130	7590	04/21/2004	EXAMINER	
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020			BRANCOLINI, JOHN R	
			ART UNIT	PAPER NUMBER
			2153	8

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,545

Applicant(s)

ORR ET AL.

Examiner

John R Brancolini

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-20 are pending in the application.

Priority

Claim for priority has been made to US Provisional applications 60/183818 filed 02/22/2000, 60/194050 filed 04/03/2000, and 60/196163 filed 04/11/2000.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- 610, 630, 640

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- Figure 2 Items 312, 313, 314, 315, 335, 345, 351, 352, 355, 365.
- Figure 6 Items 635, 641, 642, 643, 644, 655.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the

Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "said storage unit" in claim 4. There is insufficient antecedent basis for this limitation in the claim. However, for art purposes, "said buffer unit" is being considered as the wording of the claim.

Claim 9 recites the limitation "the buffer unit" in claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kasriel et al. (US Patent 6721780), hereinafter referred to as Kasriel.

In regards to claim 1, Kasriel discloses a system for enhancing perceived throughput between a client and a server, said system comprising a predictive unit adapted to receive a first response from the server (a pre-download device is coupled between the web server and the client to act as a predictive unit adapted to receive a first response from the server, see Fig. 1 and col 4 lines 20-33) and to generate a predictive response based on information contained within the first response (based on a response from the server, the pre-download device makes a determination of which items the client is most likely to request next, making a predictive response, col 4 lines 22-24).

In regards to claim 2, Kasriel discloses a buffer unit adapted to communicate with said predictive unit and to receive a predictive response corresponding to the predictive request (the pre-download device contains a cache primer which communicates with the prediction engine, or the processing portion of the pre-download device, the cache acting as a buffer by utilizing the request message to store predicted documents from the server the client can quickly access, col 5 lines 56-66, col 6 lines 24-35).

In regards to claim 3, Kasriel discloses the buffer unit is adapted to forward a received predictive response to the client (the cache primer forwards the predicted documents to the client, col 5 lines 64-66).

In regards to claim 4, Kasriel discloses the buffer unit is adapted to forward a received predictive response upon receiving a request for the response from the client (following the request from a user, the request is received by a request processing element, which forwards the message to the cache for a response, col 5 lines 15-17, 57-63).

In regards to claim 5, Kasriel discloses the buffer unit receives a predictive response after said storage unit forwards the client's request for the response to said predictive unit (the cache primer receives a predictive response from the web server in the form of predicted documents after forwarding the message from the client to the prediction engine which forwards the request to the server, col 5 lines 57-60, 64-66).

In regards to claim 6, Kasriel discloses the predictive response is first received by the predictive unit and forwarded to said buffer unit (the request-processing element receives the message, which may be an initial request or a predictive response message, in which case the message is forwarded to the cache primer, col 4 lines 55-67, col 5 lines 15-17, 57-60).

In regards to claim 7, Kasriel discloses the predictive unit receives multiple predictive responses and forwards the responses to the buffer unit using encapsulation (several hints or predicted document links are sent to the predictive unit from the client which has already analyzed the results, the predictive unit encapsulates the hints into a single form, or a message that can be parsed into several fields, before sending them to the cache primer, or buffer, for final forwarding to the client, col 4 lines 55-67, col lines 57-67).

In regards to claim 8, Kasriel discloses the data transmitted between said buffer unit and said predictive unit undergoes a data processing step selected from a group consisting of data compression, partial information transfer, protocol conversion, and data packet combining (a set of data passed between the cache primer and the prediction engine includes a file named the Web-site model graph, which the prediction engine can transfer partial information from in order to build a more updated Web model utilizing the rules database of the cache primer, col 5 lines 46-55, col 6 lines 44-55).

In regards to claim 9, Kasriel discloses the buffer unit is adapted to transmit a pseudo response to a client (a message is sent to the client which doesn't actually require or recommend any documents to be downloaded by the client, while the cache primer is loading documents from the server for transferring to the client, col 5 lines 60-66).

In regards to claim 10, Kasriel discloses the buffer unit is adapted to store a response and to forward the response to the client upon receiving a re-load request for the response from the client (the cache primer acts as a buffer receiving requests messages from the user which include a requester-bit which indicates whether the message is a initial request or a response to reload content, col 4 lines 58-67, after reviewing the message the cache primer forwards the documents received from the server to the client, col 5 lines 64-66).

In regards to claim 11, Kasriel discloses a method for enhancing perceived throughput between a server and a client utilizing a predictive unit, said method comprising the predictive unit analyzing the server's response to a request issued by the client (a pre-download device is coupled between the web server and the client to act as a predictive unit adapted to receive and analyze a first response from the server, see Fig. 1 and col 4 lines 20-33) and generating a predictive request based on the content of the server's response (based on a response from the server, the pre-download device makes a determination of which items the client is most likely to request next, making a predictive response, col 4 lines 22-24).

In regards to claim 12, Kasriel discloses a buffer unit wherein the buffer unit receives a predictive response corresponding to the predictive request (the pre-download device contains a cache primer which communicates with the prediction engine, or the processing portion of the pre-download device, the cache acting as a

buffer by utilizing the request message to store predicted documents from the server the client can quickly access, col 5 lines 56-65, col 6 lines 24-35).

In regards to claim 13, Kasriel discloses the buffer unit forwards the predictive response to the client (the cache primer forwards the predicted documents to the client, col 5 lines 64-66).

In regards to claim 14, Kasriel discloses the buffer unit receives from the client a request for the predictive response (following the request from a user, the request is received by a request processing element, which forwards the message to the cache for a predictive response, col 5 lines 15-17, 57-63).

In regards to claim 15, Kasriel discloses the buffer unit receives a predictive response after said buffer unit forwards the client's request for the response to said predictive unit (the cache primer receives a predictive response from the web server in the form of predicted documents after forwarding the message from the client to the prediction engine which forwards the request to the server, col 5 lines 57-60, 64-66).

In regards to claim 16, Kasriel discloses the predictive unit receives the predictive response and forwarded it to said buffer unit (the request-processing element receives the message, which may be an initial request or a predictive response message, in

which case the message is forwarded to the cache primer, col 4 lines 55-67, col 5 lines 15-17, 57-60).

In regards to claim 17, Kasriel discloses the predictive unit receives multiples predictive responses, encapsulates the responses and forwards the encapsulated responses to the buffer unit (several hints or predicted document links are sent to the predictive unit from the client which has already analyzed the results, the predictive unit encapsulates the hints into a single form, or a message that can be parsed into several fields, before sending them to the cache primer, or buffer, for final forwarding to the client, col 4 lines 55-67, col lines 57-67).

In regards to claim 18, Kasriel discloses data transmitted between said buffer unit and said predictive unit undergoes a data processing step selected from a group consisting of data compression, partial information transfer, protocol conversion, and data packet combining (a set of data passed between the cache primer and the prediction engine includes a file named the Web-site model graph, which the prediction engine can transfer partial information from in order to build a more updated Web model utilizing the rules database of the cache primer, col 5 lines 46-55, col 6 lines 44-55).

In regards to claim 19, Kasriel discloses the predictive unit transmits pseudo responses to a client (a message is sent to the client which doesn't actually require or

recommend any documents to be downloaded by the client, while the cache primer is loading documents from the server for transferring to the client, col 5 lines 60-66).

In regards to claim 20, Kasriel discloses the predictive unit also stores a predictive response and forwards the predictive response to the client upon receiving a request for the response from the client (the cache primer acts as a buffer receiving requests messages from the user which include a requester-bit which indicates whether the message is a initial request or a response to reload content, col 4 lines 58-67, after reviewing the message the cache primer forwards the documents received from the server to the client, col 5 lines 64-66).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Becker et al. (US Patent 5878223), a system of predictive caching of information pages utilizing an interim computer with a buffer and a prediction engine.
- Mogul (US Patent 5802292), a method of pre-fetching and storing information that the system predicts a user may request.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R Brancolini whose telephone number is (703) 305-7107. The examiner can normally be reached on M-Th 7am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JRB


FRANTZ B. JEAN
PRIMARY EXAMINER